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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 RAUL MONTANO,

No. C-11-0367 TEH (PR)

12 Plaintiff,

13 v.

ORDER OF DISMISSAL

14 VINCENT S. CULLEN, Warden,

15 Defendant(s) .
16 _____/


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18 This civil rights action by a prisoner was filed on
19 January 25, 2011. Doc. #1. The Court notified Plaintiff in writing
20 at that time that the action was deficient because he did not pay
21 the requisite \$ 350.00 filing fee or, instead, submit a signed and
22 completed court-approved in forma pauperis application, including a
23 completed certificate of funds in his prison account and a copy of
24 his prison trust account statement for the last six months obtained
25 from the appropriate prison official. See 28 U.S.C. § 1915(a)(2).
26 Plaintiff was advised that failure to file the requested items
27 within thirty (30) days would result in dismissal of the action.
28 Doc. #2.

1 Over forty days have elapsed since Plaintiff was notified
2 of his filing deficiency; however, he has neither provided the Court
3 with the requisite items nor filed a request for an extension of
4 time to do so. The action, therefore, is DISMISSED without
5 prejudice.

6 The Clerk shall terminate all pending motions as moot and
7 close the file.

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9 IT IS SO ORDERED.

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11 DATED 03/11/2011



THELTON E. HENDERSON
United States District Judge